

REMARKS/ARGUMENTS

This Amendment is being filed in response to the non-final Official Action issued following a decision on a Pre-Appeal Brief Request for Review to re-open prosecution. Applicant notes with appreciation the indication in the Official Action that Claims 3, 5, 7, 11-13, 16, 25, 27, 34, 38-40, 43, 47-49 and 52 are allowable. Nonetheless, the Official Action objects to or rejects the remaining claims. More particularly, the Official Action objects to Claim 54 for depending from itself. In response, Applicant has amended the claim to instead depend from independent Claim 46; and accordingly, respectfully submits that the objection is overcome.

The Official Action rejects Claims 1, 2, 6, 8-10, 15, 17-19, 24, 28, 33, 35-37, 42, 44-46, 51, 53 and 54 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,751,677 to Ilnicki et al.¹ The Official Action then rejects Claims 4, 14, 23, 32, 41 and 50 under 35 U.S.C. § 103(a) as being unpatentable over Ilnicki, in view of U.S. Patent Application Publication No. 2002/0058504 to Stanforth. Applicant notes that the Official Action fails to substantively treat any of Claims 20-22, 26 and 29-31; Applicant thereby presumes that these claims are allowed or allowable, and respectfully request an indication as such in the next official communication from the Patent Office.

As explained below, Applicant respectfully submits that the claimed invention is patentably distinct from Ilnicki and Stanforth, taken individually or in any proper combination; and accordingly traverses these prior art rejections of the claims. Nonetheless, to advance prosecution of the present application, Applicant has amended various ones of the claims to further clarify aspects of the present invention. In view of the amendments to the claims and the remarks presented herein, Applicant respectfully requests reconsideration and allowance of all of the pending claims of the present application.

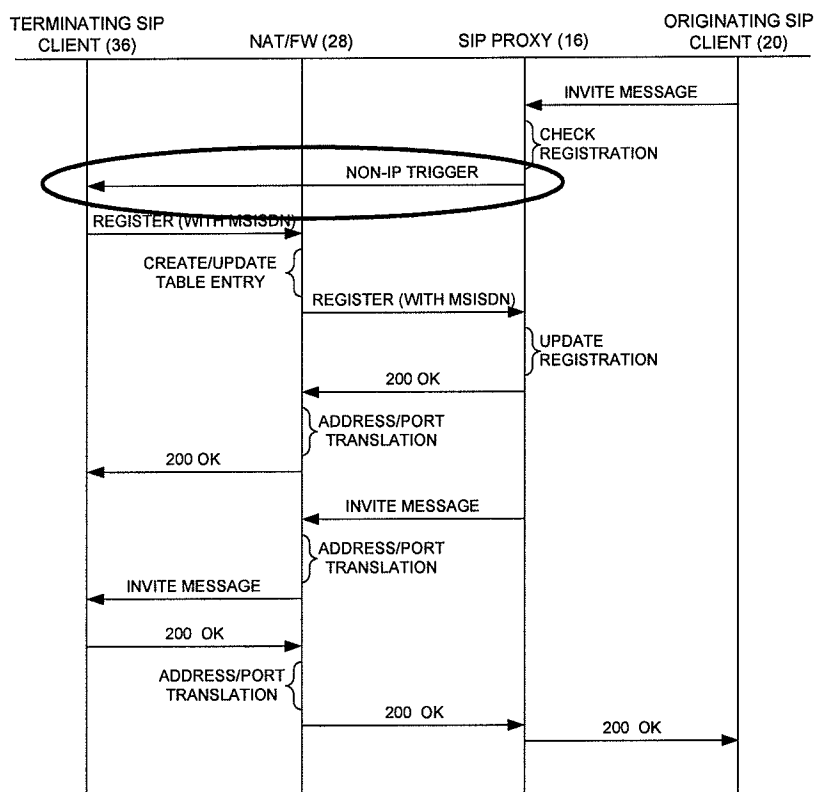
¹ Applicant notes that on page 3, the Official Action formally identifies Claims 1-3, 5-13, 15-22, 31, 34-40, 42-49 and 51-54 as being anticipated by Ilnicki; but on subsequent pages 4 and 5, the Official Action only substantively treats – and Applicant therefore presumes the Official Action only intended to reject – Claims 1, 2, 6, 8-10, 15, 17-19, 24, 28, 33, 35-37, 42, 44-46, 51, 53 and 54 as being anticipated by Ilnicki.

A. Claims 1, 2, 6, 8-10, 15, 17-19, 24, 28, 33, 35-37, 42, 44-46, 51, 53 and 54

As indicated above, the Official Action rejects Claims 1, 2, 6, 8-10, 15, 17-19, 24, 28, 33, 35-37, 42, 44-46, 51, 53 and 54 as being anticipated by Ilicki. Briefly, as cited against the claimed invention, Ilicki discloses a gateway located behind a firewall behind a user terminal and a target server, whereby the gateway “proxifies” an Interoperable Object Reference (IOR) for an object on the target server such that a user access request (or user object invocation request) for the object passes through the gateway. As cited, when the user terminal uses the proxified IOR to issue a user access request to access the target server, a TCP/IP connection is established between the user terminal and the gateway, during which the gateway may authenticate the user request using out-of-band channel. As disclosed, for example, the gateway may invoke a CORBA application in the application layer of a multi-layer protocol stack in the user terminal. The IOR of an authentication object contained in the user terminal may be configured dynamically during the aforementioned proxification. The gateway may use the IP address from the incoming TCP/IP connection to locate the proper IOR in the user terminal for authentication. The user terminal may then invoke the SSL layer that sends a SSL “Hello” message for the target server to the gateway to establish a SSL session. Ilicki, col. 8, ll. 28-45.

1. Claims 1-9, 19-27 and 37-45 are Patentable over Ilicki

According to a first aspect of the present disclosure, as reflected by amended independent Claim 1 and illustrated for example by FIG. 5 of the present application shown below (horizontally flipped and annotated for comparison purposes), an apparatus (e.g., proxy 16) is provided that includes a processor and a memory storing executable instructions that in response to execution by the processor cause the apparatus to at least perform a number of operations. As recited, the operations include receiving a connection request (e.g., INVITE MESSAGE) during operation of the apparatus in a network (e.g., public network 12) across which an originating client (e.g., originating SIP client 20) is configured to communicate. The operations also include preparing a network-independent trigger (e.g., NON-IP TRIGGER) for transmission to a terminal (e.g., terminating SIP client 36) in response to receiving the connection request.



Pat Appl., FIG. 5 (flipped)

As also recited, the operations include receiving a registration message (e.g., REGISTER), in response to the trigger, from the terminal via the network to thereby register the terminal with the apparatus and acquire a network-dependent identity of the terminal to thereby enable establishment of a communication session with the terminal based upon the network-dependent identity of the terminal.

In contrast to the first aspect of the present disclosure (and, e.g., independent Claim 1 in particular), Ilicki (or Stanforth) does not teach or suggest an apparatus being caused to prepare a network-independent trigger for transmission to a terminal in response to a connection request, or in response to the network-independent trigger, receiving a registration via the network to thereby register the terminal with the apparatus and acquire a network-dependent identity of the terminal. The Official Action cites the aforementioned out-of-band authentication of Ilicki as allegedly corresponding to these features of independent Claim 1. Applicant respectfully

disagrees.

Applicant notes that for a reference to anticipate a claim, “[t]he identical invention must be shown in as complete detail as is contained in the...claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989) (cited in MPEP § 2131). A single cited reference must expressly or inherently disclose each claim limitation. *Finstar Corp. v. DirectTV Group, Inc.*, 523 F.3d 1323, 1334 (Fed. Cir. 2003). As has also been held, to establish inherency, evidence must make clear that the missing descriptive matter is necessarily present in the prior art, and would be recognized as being present in the prior art by those skilled in the art. *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999) (citing *Continental Can Co. v. Monsanto Co.*, 948 F.2d 1264, 1268 (Fed. Cir. 1991)).

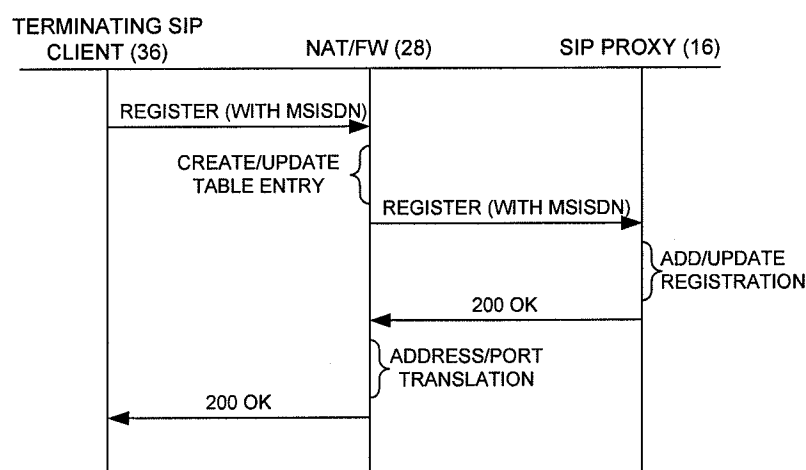
In the instant case, a gateway that may “authenticate [a] user request using out-of-band channel,” as per Ilicki, does not expressly or inherently (i.e., necessarily) correspond to an apparatus preparing a network-independent trigger for transmission in response to a connection request, as per independent Claim 1. The Official Action equates the concept of an “out-of-band channel” in Ilicki with “network-independent” in independent Claim 1, but nothing in Ilicki expressly or inherently (i.e., necessarily) supports this conclusion. Ilicki discloses an example of authenticating a user request to establish a TCP/IP connection (at the TCP/IP layer) by invoking the CORBA application at the application layer, and thereafter invoking the SSL layer. *See* Ilick, FIG. 3. Thus, Ilicki itself seems to suggest that its out-of-band channel relates to a different logical channel at a different layer of its multi-layer protocol stack from a user request, as opposed to a different physical channel over a different network than a connection request, as suggested by the Official Action.

Similarly, Ilicki disclosing a gateway that may authenticate a user request, does not expressly or inherently (i.e., necessarily) correspond to an apparatus receiving a registration message to both register the terminal with the apparatus and acquire a network-dependent identity of the terminal, as also per independent Claim 1. More particularly, Applicant submits that authentication does not correspond to registration, and even if one could argue that the concepts were analogous, authentication of a user request (as in Ilicki) does not correspond to registration of an apparatus (as in independent Claim 1). Moreover, even if one could argue that

the authentication of Ilicki is similar to the registration of independent Claim 1, nowhere does Ilicki expressly or inherently disclose that its authentication includes acquisition of a network-dependent identity of a terminal, similar to independent Claim 1.

2. Claims 10-18, 28-36 and 46-54 are Patentable over Ilicki

According to a second aspect of the present disclosure, as reflected by amended independent Claim 10 and illustrated for example by FIG. 4 of the present application shown below, an apparatus (e.g., proxy **16**) is provided that includes a processor and a memory storing executable instructions that in response to execution by the processor cause the apparatus to at least perform a number of operations. As recited, the operations include receiving a registration message (e.g., REGISTER) at the apparatus during operation in a network (e.g., public network **12**) across which an originating client (e.g., originating SIP client **20**) is configured to communicate. The message is received from a terminal (e.g., terminating SIP client **36**) via the network to thereby register the terminal with the apparatus, where the registration message includes a network-independent identity of the terminal.



Pat Appl., FIG. 4

The operations also include preparing a network-independent trigger for transmission to the terminal based upon the network-independent identity of the terminal to thereby trigger the

terminal to update registration of the terminal with the apparatus. As recited, updating registration of the terminal includes acquisition by the apparatus of a network-dependent identity of the terminal to thereby enable establishment of a communication session with the terminal based upon the network-dependent identity of the terminal.

In contrast to the second aspect of the present disclosure (and, e.g., amended independent Claim 10 in particular), Ilicki (or Stanforth) does not teach or suggest an apparatus receiving a registration message from a terminal via a network, the registration message including a network-independent identity of the terminal so that the terminal may be sent a network-independent trigger in a manner similar to that recited by independent Claim 1. More particularly, Ilicki (or Stanforth) does not teach or suggest an apparatus receiving, from a terminal via a network, a registration message including a network-independent identity of the terminal. Further, Ilicki (or Stanforth) does not teach or suggest the apparatus preparing a network-independent trigger for transmission to the terminal based on the network-independent identity to thereby acquire a network-dependent identity of the terminal to thereby enable establishment of a communication session based upon the network-dependent identity of the terminal. Again, Ilicki disclosing a gateway authenticating a user request, and doing so using an out-of-band channel, does not expressly or inherently (i.e., necessarily) support the aforementioned features of the claimed invention.

Applicant therefore respectfully submits that amended independent Claim 1, and by dependency Claims 2-9, is patentably distinct from Ilicki. Applicant also respectfully submit that amended independent Claims 10, 19, 28, 37 and 46 recite subject matter similar to that of independent Claim 1, including the aforementioned triggering the terminal (or an apparatus) or identifying the terminal (or an apparatus) independent of the network for which a communication session may ultimately be established. As such, Applicant also respectfully submits that amended independent Claims 10, 19, 28, 37 and 46, and by dependency Claims 11-18, 20-27, 29-36, 38-45 and 47-54, are patentably distinct from Ilicki for at least the same reasons given above with respect to amended independent Claim 1.

For at least the foregoing reasons, Applicant respectfully submits that the rejection of Claims 1, 2, 6, 8-10, 15, 17-19, 24, 28, 33, 35-37, 42, 44-46, 51, 53 and 54 as being anticipated

by Ilicki is overcome.

B. Claims 4, 14, 23, 32, 41 and 50 are Patentable

The Official Action rejects Claims 4, 14, 23, 32, 41 and 50 as being unpatentable over Ilnicki, in view of Stanforth. As explained above, independent Claims 1, 10, 19, 28, 37 and 46, and by dependency Claims 2-9, 11-18, 20-27, 29-36, 38-45 and 47-54, are patentably distinct from Ilnicki. Applicant respectfully submits that Stanforth does not cure the deficiencies of Ilnicki. That is, even considering Stanforth, neither Ilnicki nor Stanforth, taken individually or in any proper combination, teaches or suggests the aforementioned terminal-triggering feature, as recited by the claimed invention. And there is no apparent reason for one skilled in the art still to modify Ilnicki with the teachings of Stanforth to disclose the claimed invention. Thus, for at least the foregoing reasons as well as those given above with respect to amended independent Claims 1, 10, 19, 28, 37 and 46, Claims 6, 15, 24, 33, 42 and 51 are also patentably distinct from Ilnicki, in view of Stanforth.

Applicant accordingly submit that the rejection of Claims 4, 14, 23, 32, 41 and 50 as being unpatentable over Ilnicki, in view of Stanforth is overcome.

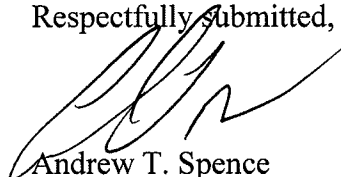
Application No.: 10/797,765
Amendment Dated January 20, 2010
Reply to Official Action of November 19, 2009

CONCLUSION

In view of the amendments to the claims and the remarks presented above, Applicant respectfully submits that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicant's undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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